

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PATRICK CALHOUN, ET AL., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, CV-20-5146-LHK/SVK
CV-20-3664-LHK/SVK
CV-21-2155-LHK/SVK

PLAINTIFFS, SAN JOSE, CALIFORNIA
VS. JUNE 2, 2021
GLE INC., PAGES 1 - 79
DEFENDANT.

AND RELATED CASES.

SEALED

TRANSCRIPT OF ZOOM PROCEEDINGS
BEFORE THE HONORABLE SUSAN VAN KEULEN
UNITED STATES DISTRICT JUDGE

A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFFS: BOIES, SCHILLER & FLEXNER LLP
BY: JAMES W. LEE
HSIAO C. MAO
BEKO RICHARDSON
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SAN FRANCISCO, CALIFORNIA 94104

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: IRENE L. RODRIGUEZ, CSR, RMR, CRR
CERTIFICATE NUMBER 8074

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,
TRANSCRIPT PRODUCED WITH COMPUTER.

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1 SAN JOSE, CALIFORNIA

JUNE 2, 2021

2 P R O C E E D I N G S

01:35PM 3 (COURT CONVENED AT 1:35 P.M.)

01:35PM 4 THE COURT: GOOD AFTERNOON. WELCOME TO OUR GOOGLE

01:35PM 5 DISCOVERY HEARING IN THE CALHOUN, BROWN, AND HEWITT MATTERS.

01:35PM 6 THANK YOU ALL FOR GETTING HERE, AND WE'LL GET PROMPTLY

01:35PM 7 UNDERWAY.

01:35PM 8 WHAT I WANT TO DO, AND I'LL HAVE MS. FANTHORPE CALL BOTH

01:35PM 9 CALHOUN AND BROWN AND I'LL GET EVERYONE'S APPEARANCES, BUT LET

01:35PM 10 ME JUST TELL YOU -- I'LL TELL YOU WHAT, WE'LL DO THAT AND THEN

01:35PM 11 I'LL LAY OUT HOW WE'RE GOING TO PROCEED TODAY.

01:35PM 12 THE CLERK: SOUNDS GOOD. CALLING CASE 20-CV-03664,

01:35PM 13 BROWN, ET AL., VERSUS GOOGLE LLC ET AL.

01:35PM 14 COUNSEL, PLEASE IDENTIFY YOURSELVES FOR THE RECORD

01:35PM 15 BEGINNING WITH THE PLAINTIFF.

01:35PM 16 MR. LEE: GOOD AFTERNOON.

01:35PM 17 THIS IS JAMES LEE FROM BOIES, SCHILLER & FLEXNER

01:35PM 18 REPRESENTING THE PLAINTIFFS.

01:35PM 19 I'M GOING TO LET MY COLLEAGUES WHO ALSO REPRESENT THE

01:35PM 20 PLAINTIFFS INTRODUCE THEMSELVES.

01:36PM 21 MR. MAO: GOOD AFTERNOON AND EVERYONE IN THE COURT.

01:36PM 22 THIS IS MARK MAO BOIES, SCHILLER & FLEXNER REPRESENTING

01:36PM 23 THE PLAINTIFFS.

01:36PM 24 MR. RICHARDSON: GOOD AFTERNOON.

01:36PM 25 BEKO RICHARDSON, BOIES, SCHILLER & FLEXNER ON BEHALF OF

02:25PM 1 THE COURT: I APPRECIATE THAT. BUT, AGAIN, A MORE
02:25PM 2 DETAILED ARGUMENT ON THE ACCESS POINT OR THE CLEAN ROOM POINT
02:25PM 3 IS PREMATURE BECAUSE I WANT TO -- WE'VE HAD THIS PRODUCTION NOW
02:25PM 4 AND THEN THERE'S A 30(B) (6) COMING UP ON THIS AND RELATED
02:25PM 5 TOPICS, AND IT MAY BE APPROPRIATE, BUT I WANT THE PARTIES TO
02:25PM 6 GET THROUGH THAT PROCESS. I WANT A ROBUST MEET AND CONFER, AND
02:25PM 7 I THINK THERE NEEDS TO BE, AGAIN, AN ISSUE THAT COMES UP HERE,
02:25PM 8 AS SAID IN THE PAPERS ALSO, IS, OF COURSE, ALL OF THE
02:26PM 9 INFORMATION ABOUT THE DATABASES AND WHAT IS AND ISN'T TRACKED,
02:26PM 10 AND IS AND ISN'T ABLE TO LINK UP GOOGLE KNOWS AND PLAINTIFFS
02:26PM 11 DON'T KNOW. THAT'S OBVIOUSLY TO A CERTAIN EXTENT WHAT
02:26PM 12 DISCOVERY IS FOR.

02:26PM 13 BUT IT IS NOT CART BLANCHE TO ALL OF GOOGLE'S SYSTEMS. SO
02:26PM 14 WE'RE TRYING TO NAVIGATE THIS IN A FAIR AND REASONABLE WAY, AND
02:26PM 15 IT'S TIED BACK, AND IT WILL CONTINUE TO TIE BACK TO THE PROPER
02:26PM 16 DEFINITIONS OF THE CLASS.

02:26PM 17 SO WE'VE MADE PROGRESS, BUT WE'RE CONTINUING TO MAKE
02:26PM 18 PROGRESS. I'M GLAD WE GOT THE UNAUTHENTICATED IDENTIFIERS
02:26PM 19 SITUATION WORKED OUT, THAT'S GOOD, OR AT LEAST ADDRESSED AT
02:26PM 20 THIS PHASE. THAT INFORMATION HAS BEEN PRODUCED, THOSE SEARCHES
02:26PM 21 ARE BEING RUN, LET'S GET THE 30(B) (6), AND THEN I WANT THE
02:27PM 22 PARTIES TO MEET AND CONFER, AND I'LL TAKE FURTHER STATEMENT ON
02:27PM 23 THAT, AND I'LL LAY THAT OUT IN AN ORDER IN DUE COURSE. OKAY?

02:27PM 24 ALL RIGHT. SO THAT'S ACCESS TO PLAINTIFFS' DATA IN BROWN.
02:27PM 25 AND I WANT TO TURN TO ACCESS TO PLAINTIFFS' DATA IN CALHOUN.

03:48PM 1 ALL RIGHT. THANK YOU ALL VERY MUCH FOR YOUR TIME AND
03:48PM 2 ATTENTION AND IMPORTANTLY PREPARATION FOR TODAY, AND WE WILL
03:48PM 3 KEEP MOVING FORWARD.
03:48PM 4 THANK YOU. AND THAT CONCLUDES THESE MATTERS. WE ARE
03:48PM 5 ADJOURNED.
03:48PM 6 MR. LEE: THANK YOU, YOUR HONOR.
03:48PM 7 MR. SCHAPIRO: THANK YOU, YOUR HONOR.
03:48PM 8 MS. WEAVER: THANK YOU.
03:48PM 9 (COURT CONCLUDED AT 3:48 P.M.)
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3 CERTIFICATE OF REPORTER
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7 I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED
8 STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,
9 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
10 CERTIFY:

11 THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS
12 A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE
13 ABOVE-ENTITLED MATTER.

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IRENE RODRIGUEZ, CSR, RMR, CRR
17 CERTIFICATE NUMBER 8074
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19 DATED: JUNE 2, 2021
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